

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**MULTILIFT WELLBORE
TECHNOLOGY LIMITED**

and

MULTILIFT WELLTEC, LLC,

Plaintiffs,

VS.

**ESP COMPLETION
TECHNOLOGIES LLC**

and

C&J ENERGY SERVICES, INC.,

Defendants.

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

PLAINTIFFS' ORIGINAL COMPLAINT

Plaintiffs Multilift Wellbore Technology Limited and MULTILIFT Welltec, LLC
complain and allege as follows against Defendants ESP Completion Technologies LLC and C&J
Energy Services, Inc.

SECTION I. PARTIES

1. Plaintiff Multilift Wellbore Technology Limited, is a company incorporated in Scotland with company number SC390270 whose current registered office address is 15 Golden Square, Aberdeen AB10 1WF.

2. Plaintiff MULTILIFT Welltec, LLC is a Delaware limited liability company with its principal place of business at 11050 West Little York Road, Building L, Houston, Texas 77041.

3. Defendant ESP Completion Technologies LLC (“ESPCT”) is a Texas limited liability company with its principal place of business in Missouri City, Texas. ESPCT may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporated at 211 East 7th Street, Suite 620, Austin, Texas 78701.

4. Defendant C&J Energy Services, Inc. (“C&J Energy”) is a Delaware corporation with its principal place of business in Houston, Texas. C&J Energy may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporated at 211 East 7th Street, Suite 620, Austin, Texas 78701.

SECTION II. JURISDICTION AND VENUE

5. This is an action for patent infringement under the patent laws of the United States of America, pursuant to 35 U.S.C. § 271, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400 and 1391(b) because the parties conduct business within this judicial district and have engaged in acts in this district and division, which constitute infringement of U.S. Patent No. 9,441,435.

SECTION III. FACTS

The Technology

7. Multilift Welltec Technology Limited and MULTILIFT Welltec, LLC (collectively “Multilift”) are providers of well services and products that are useful in and enhance the abilities of artificial lift systems in the oil and gas industry.

8. During a well’s operation, the fluid in the wellbore contains sand. When the fluid stops moving, such as when the pump is shut down, the sand or other solids separate and flow downward settling to the bottom. Often, these solids accumulate in the pump and can plug the pump. When

the pump restarts, these solids strain the pump, eventually damaging the pump. Multilift designs, manufactures, and sells an ingenious yet simple device, the SandGuard, that prevents sand or other solids from accumulating in a pump or blocking the outflow line when the pump is shut down.

9. On December 21, 2010, Multilift Wellbore Technology Limited, in the United Kingdom, filed a patent application claiming the features of their SandGuard product. Multilift's U.S. Patent 9,441,435, which claims priority to the filing date of the United Kingdom application, was granted on September 13, 2016. Multilift Wellbore Technology Limited and Multilift Welltec, LLC own all of the right, title, and interest in and to U.S. Patent 9,441,435. A copy of U.S. Patent 9,441,435 is attached hereto as ***Exhibit A***.

10. Upon information and belief, C&J Energy, through its subsidiary ESPCT, has been making, using, and selling a product referred to as the Sand Eliminator since at least early 2016. ESPCT's Sand Eliminator is substantially similar to Multilift's SandGuard. As such, both C&J Energy and ESPCT, directly and/or indirectly, infringe Multilift's U.S. Patent 9,441,435 by engaging in acts constituting infringement under 35 U.S.C. § 271 (a), (b), and (c), including but not necessarily limited to, one or more of making, using, selling, and/or offering to sell, in this District and elsewhere in the United States, at least the Sand Eliminator and/or through contributory and/or induced infringement, by using, selling, and/or offering to sell in the United States, one or more products described in Count 1 of Multilift's patent.

SECTION IV. CAUSES OF ACTION

COUNT 1 –INFRINGEMENT OF THE 9,441,435 PATENT

11. Multilift re-alleges the facts recited in Paragraphs 1 through 12, inclusive, as if fully set forth herein.

12. Multilift's U.S. Patent No. 9,441,435 patent is valid and presumed valid under 35 U.S.C. § 282.

13. Defendants ESPCT and C&J Energy have infringed and continues to infringe, directly and indirectly, through contributory and/or induced infringement, by using, selling, and/or offering to sell in the United States, at least the Sand Eliminator, which comes within and/or is operated within the scope of one or more claims of Multilift's U.S. Patent No. 9,441,435.

14. Multilift is informed and believes, and on that basis alleges, that Defendants' infringement of U.S. Patent No. 9,441,435 has been and continues to be intentional, willful, and without regard to Multilift's rights. Multilift is informed and believes, and on that basis alleges, that Defendants' infringement of U.S. Patent No. 9,441,435 is and has been intentional, deliberate, and willful at least because it had knowledge of U.S. Patent No. 9,441,435 through direct and/or indirect communications with Multilift and/or as a result of their participation in oil and gas production using artificial lift.

15. Multilift is informed and believes, and on that basis alleges, that Defendants have gained profits by virtue of their infringement of U.S. Patent No. 9,441,435.

16. Defendants have infringed and continue to infringe, directly and indirectly, through contributory and/or induced infringement, one or more claims of Multilift's U.S. Patent No. 9,441,435.

17. Multilift will suffer and is suffering irreparable harm from Defendants' infringement of U.S. Patent No. 9,441,435. Multilift has no adequate remedy at law and is entitled to an injunction against Defendants' continuing infringement of U.S. Patent No. 9,441,435. Unless enjoined, Defendants will continue their infringing conduct.

SECTION V. JURY DEMAND

18. Multilift asserts its right under the Seventh Amendment to the U.S. Constitution and demands, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Multilift prays for the following relief:

- a. That U.S. Patent No. 9,441,435 be adjudged infringed under all applicable provisions of Title 35, United States Code;
- b. That Defendants ESPCT and C&J Energy, their officers, directors, employees, agents, and all those acting in concert with either of them be enjoined, pursuant to 35 U.S.C. § 283, from all future activities infringing U.S. Patent No. 9,441,435 and/or inducing or contributing to the infringement of U.S. Patent No. 9,441,435 by others, including making, using, selling, or offering for sale the claims subject matter of U.S. Patent No. 9,441,435;
- c. That Defendants be required to prepare and deliver to the Court a complete list of entities to whom either of them has sold or offered for sale any product that infringes either U.S. Patent No. 9,441,435;
- d. That Defendants be ordered to account to Multilift for all sales, revenues, and profits derived from its infringement of Multilift's U.S. Patent No. 9,441,435, pursuant to all applicable provisions of Title 35, United States Code;
- e. That this Court award Multilift's actual and compensatory damages resulting from Defendants' infringing activities, together with prejudgment and post-judgment interest and costs, as provided by 35 U.S.C. § 284; and

- f. That Multilift be awarded its costs of court and such other relief in equity and at law to which it may be entitled.

Respectfully submitted,

/s/ Heather Kubiak

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